

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERENCE TERELL BRYAN,

*

Plaintiff,

*

v.

CIVIL ACTION NO. AW-07-2159

*

NAACP, et al,

Defendants.

*

MEMORANDUM

On August 13, 2007, the Court received Plaintiff's Complaint, filed pursuant to 42 U.S.C. 1983, against Defendants NAACP, Bruce S. Gordon, Zephyr Johnson, and the NAACP Legal Defense and Educational Fund, Inc. Paper No. 1. Plaintiff has filed a Motion for Leave to Proceed in Forma Pampers (Paper No. 2), which shall be granted. Upon review of the instant action, the court concludes that it shall be dismissed under the provisions of 28 U.S.C. § 1915(e). *See Neitzke v. Williams*, 490 U.S. 319, 328 (1989); *see also Denton v. Hernandez*, 504 U.S. 25, 27 (1992); *Cochran v. Morris*, 73 F.3d 1310, 1316 (4th Cir. 1996); *Nasim v. Warden*, 64 F.3d 951, 953 (4th Cir. 1995).

Plaintiff alleges that Defendants, a private advocacy organization and its employees, failed to investigate his and other inmate's claims regarding their conditions and circumstances of incarceration. Paper No. 1. Essential to sustaining an action under § 1983 are the presence of two elements. Plaintiff must demonstrate that: (1) he suffered a deprivation of "rights, privileges or immunities secured by the Constitution and laws" of the United States; and (2) the act or omission causing the deprivation was committed by a person acting under color of law. *West v. Atkins*, 487 U.S. 42, 48 (1988). Because there is no allegation that the named Defendants, a private organization

and private citizens, were acting under color of law, Plaintiff's action against them shall be dismissed.

Plaintiff is hereby notified that he may be barred from filing future suits in forma pauperis if he continues to file federal civil rights actions that are subject to dismissal as frivolous or malicious or for failure to state a claim on which relief may be granted under §1915(e) or Fed. R. Civ. P. 12(b)(6).¹

A separate Order reflecting the foregoing opinion shall be entered.

Date: August 23, 2007

/s/
Alexander Williams, Jr.
United States District Judge

¹. Title 28U.S.C.. § 1915(g)states that:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.